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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,585	10/23/2001	Mark A. Kirkpatrick	60027.0071US01	4842

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EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 02/23/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/044,585

Applicant(s)

KIRKPATRICK, MARK A.

Examiner

Eugene Yun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schornack (US 5,946,616 "cited in IDS") in view of Morrow, Sr. (US 6,498,938).

Referring to Claim 1, Schornack teaches an apparatus for providing a gateway between one or more wired telephones and a wireless telephone network, comprising:

a wireless radio operative 204 (fig. 5) to communicate with said wireless telephone network over a wireless communication link;

a wired telephone interface 208 (fig. 5) electrically coupled to said one or more wired telephones; and

a controller, said controller operative to:

detect an incoming telephone call at said wireless radio (see 440 of fig. 5),

provide a ring signal through said wired telephone interface operative to ring said one or more wired telephones in response to detecting said incoming telephone call (see col. 5, lines 2-7), and

in response to determining that a one of said one or more wired telephones has been placed in a off hook state, to establish a communications channel between said

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wired telephone interface and said wireless radio, thereby permitting said incoming telephone call to be received on said one of said wired telephones placed in an off hook state (see col. 4, lines 59-63).

Schornack does not teach one or more wired telephones directly connected to said wired home telephone network without modification. Morrow teaches one or more wired telephones 64 (fig. 5) directly connected to said wired home telephone network without modification (see 70 leading to wired telephone network in fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Morrow to said device to Schornack in order to better combine the mobility of a cellular phone with the connectivity of a wired phone system.

Referring to Claim 6, Schornack teaches a method for providing a gateway between a wired telephone and a wireless telephone network, comprising:

detecting an incoming wireless telephone call over said wireless telephone network (see 440 of fig. 5);

providing a ring signal to said wired telephone in response to detecting said incoming call (see col. 5, lines 2-7);

determining whether said wired telephone has been placed in an off hook state in response to said ring signal (see col. 4, lines 59-60); and

in response to determining that said wired telephone has been placed in an off hook state, converting said incoming wireless telephone call to a format compatible with said wired telephone and converting signals received at said wired telephone to a format compatible with said wireless telephone network, thereby permitting said

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incoming telephone call to be received and conducted on said wired telephone (see col. 4, lines 59-63).

Schornack does not teach one or more wired telephones directly connected to said wired home telephone network. Morrow teaches one or more wired telephones 64 (fig. 5) directly connected to said wired home telephone network (see 70 leading to wired telephone network in fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Morrow to said device to Schornack in order to better combine the mobility of a cellular phone with the connectivity of a wired phone system.

Referring to Claim 11, Schornack teaches an apparatus for providing a gateway between one or more wired telephones and a wireless telephone network, comprising:

- a wireless radio operative 204 (fig. 5) to communicate with said wireless telephone network over a wireless communication link;

- a wired telephone interface 208 (fig. 5) electrically coupled to said one or more wired telephones;

- a wired telephone interface 208 (fig. 5) electrically coupled to a wired telephone network;

- a current source 410 (fig. 5); and

- a controller operative to determine whether a connection between said one or more wired telephones and said wired telephone network is operative (see col. 2, lines 63-65) and, in response to determining that said connection between said one or more

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wired telephones and said wired network in inoperative, said controller further operative to:

cause said current source to deliver an electrical current to said one or more wired telephones compatible with POTS service (see col. 2, lines 66-67 and col. 3, lines 1-2);

detect an incoming call at said wireless radio (see 440 of fig. 5);

provide a ring signal through said wired telephone interface operative to ring said one or more wired telephones in response to detecting said incoming telephone call (see col. 5, lines 2-7); and

in response to determining that a one of said one or more wired telephones has been placed in an off hook state, said controller operative to establish a communications channel between said wired telephone interface and said wireless radio, thereby permitting said incoming telephone call to be received on said one of said wired telephones placed in an off hook state (see col. 4, lines 59-63).

Schornack does not teach one or more wired telephones directly connected to said wired home telephone network. Morrow teaches one or more wired telephones 64 (fig. 5) directly connected to said wired home telephone network (see 70 leading to wired telephone network in fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Morrow to said device to Schornack in order to better combine the mobility of a cellular phone with the connectivity of a wired phone system.

Referring to Claim 15, Schornack teaches a method for providing a gateway between one or more wired telephones and a wireless telephone network, comprising:

determining whether a connection between said one or more wired telephones and a wired telephone network is operative (see col. 2, lines 63-65);

in response to determining that said connection between said one or more wired telephones and said wired network is inoperative,

delivering an electrical current to said one or more wired telephones compatible with POTS service (see col. 2, lines 66-67 and col. 3, lines 1-2);

detecting an incoming telephone call at a wireless radio (see 440 of fig. 5);

providing a ring signal to said one or more wired telephones in response to detecting said incoming telephone call (see col. 5, lines 2-7); and

in response to determining that a one of said one or more wired telephones has been placed in an off hook state, establishing a communications channel between said one or more wired telephones and said wireless telephone network, thereby permitting said incoming telephone call to be received on said one of said wired telephones placed in an off hook state (see col. 4, lines 59-63).

Schornack does not teach one or more wired telephones directly connected to said wired home telephone network. Morrow teaches one or more wired telephones 64 (fig. 5) directly connected to said wired home telephone network (see 70 leading to wired telephone network in fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of

Morrow to said device to Schornack in order to better combine the mobility of a cellular phone with the connectivity of a wired phone system.

Referring to Claim 19, Schornack teaches a computer-controlled apparatus for providing a gateway between a wired home telephone network and a wireless telephone network, said apparatus operative to:

provide a first mode of operation in which said apparatus is operative to monitor an operational status of a wired telephone network and to route a telephone call made from said wired home telephone network through said wireless telephone network in response to determining that said wired telephone network is not operational (see col. 2, lines 63-67 and col. 3, lines 1-2); and

provide a second mode of operation in which said apparatus is operative to monitor an operational status of said wireless telephone network and to route a telephone call made from said wired home telephone network through said wired telephone network in response to determining that said wireless telephone network is not operational (see col. 2, lines 63-67 and col. 3, lines 1-2 noting that this can apply both ways as shown in col. 2, lines 56-63).

Schornack does not teach one or more wired telephones directly connected to said wired home telephone network. Morrow teaches one or more wired telephones 64 (fig. 5) directly connected to said wired home telephone network (see 70 leading to wired telephone network in fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of

Morrow to said device to Schornack in order to better combine the mobility of a cellular phone with the connectivity of a wired phone system.

Referring to Claims 2, 12, and 16, Schornack also teaches determining whether one of said one or more wired telephones has been placed in an off hook state (see col. 4, lines 59-60);

collecting one or more dialed digits from said one of said one or more wired telephones placed in an off hook state (see col. 4, lines 62-67);

instructing said wireless radio to establish an outgoing telephone call over said wireless telephone network utilizing said dialed digits (see col. 4, lines 49-50); and

to establish a communications channel between said wired telephone interface and said wireless radio, thereby permitting said outgoing telephone call to be placed on said one of said wired telephones placed in an off hook state (see col. 4, lines 59-67).

Referring to Claim 3, Schornack also teaches delivering an electrical current to said one or more wired telephones compatible with POTS service (see 410 of fig. 5).

Referring to Claims 4, 8, 13, and 17, Schornack also teaches said wired telephone interface operative to deliver a dial tone signal to said one or more wired telephones in response to determining that a one of said one or more wired telephones has been placed in an off hook state (see col. 6, lines 12-15).

Referring to Claims 5, 9, and 14, Schornack also teaches determining whether said wireless communications link exists between said wireless radio and said wireless telephone network (see col. 2, lines 63-65); and

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in response to determining that said wireless communications link does not exist, to electrically connect said wired telephone interface and said wired network interface, thereby electrically connecting said one or more wired telephones to said wired telephone network so that telephone calls placed on said one or more wired telephones will be placed over said wired telephone network (see col. 2, lines 66-67 and col. 3, lines 1-2).

Referring to Claim 7, Schornack also teaches delivering an electrical current to said wired telephone compatible with POTS service (see 410 of fig. 5);

determining if said wired telephone has been placed in an off hook state (see col. 4, lines 59-60);

in response to determining that said wired telephone has been placed in an off hook state, receiving one or more dialed digits from said wired telephone (see col. 4, lines 62-67);

placing an outgoing wireless telephone call over said wireless telephone network using said dialed digits (see col. 4, lines 49-50); and

converting signals associated with said outgoing wireless telephone call to a format compatible with said wired telephone and converting signals received at said wired telephone to a format compatible with said wireless telephone network, thereby permitting said outgoing telephone call to be placed and conducted on said wired telephone (see col. 4, lines 59-63).

Referring to Claims 10 and 18, Schornack also teaches determining whether a valid communications link has been reestablished over said wireless telephone network (see "Cel Alert" in Table 1 in col. 5); and

in response to determining that a valid communications link has been reestablished over said wireless telephone network, electrically disconnecting said wired telephone from said wired telephone network (see "Cel Code" in Table 1 in col. 5).

Referring to Claim 20, Schornack also teaches the first or second modes selected as a mode of operation for said computer-controlled apparatus, and wherein said mode of operation is selected based upon a user-specified schedule (see col. 4, lines 59-67).

Referring to Claim 21, Schornack also teaches the first or second modes selected as a mode of operation for said computer-controlled apparatus, and wherein said mode of operation is selected based upon dialed digits collected from a wired telephone connected to said wired home telephone network (see col. 4, lines 49-50).

Response to Arguments

3. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eugene Yun
Examiner
Art Unit 2682

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2/20/04